

## JONES DAY

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September 30, 2022

VIA ELECTRONIC FILING

**MEMO ENDORSED**

The Honorable Katherine Polk Failla  
United States District Court for the Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square, Room 618  
New York, New York 10007

Re: *Dinosaur Financial Grp. LLC et al. v. S&P Global, Inc. et al.*, Case No. 22-cv-1860-KPF  
("Dinosaur"); *Hildene Capital Management, LLC v. American Bankers Association et al.*,  
Case No. 22-cv-1929-KPF ("Hildene")

Dear Judge Failla:

I am lead counsel for the American Bankers Association in the above-referenced matter. I write to request that the hearing on defendants' letter regarding a motion to dismiss scheduled for October 31, 2022 be rescheduled for November 8. This is the parties' first request for an adjournment of the pre-motion conference date. Plaintiffs and the other defendants have agreed to reschedule the conference, and are available on November 8. I have a conflict due to another case for which I am also lead trial counsel. Specifically, the Court in that case scheduled an in-person hearing in San Francisco for my client's motion for preliminary injunction seeking to enjoin defendants' conduct that is causing millions of dollars in lost revenues each week absent an injunction. If the Court's calendar cannot accommodate a hearing on November 8, I will confer with the parties to propose additional dates.

Respectfully submitted,

/s/ David C. Kiernan

David C. Kiernan

cc: All Counsel of Record (via ECF)

Application GRANTED. The pre-motion conference scheduled for October 28, 2022, is hereby **ADJOURNED to November 17, 2022, at 3:00 p.m.**

The Clerk of Court is directed to terminate the pending motion at docket entry 79, to also file this Order in 22 Civ. 1929, and to terminate the pending motion at docket entry 63 in 22 Civ. 1929.

Dated: October 3, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE